IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.2714/07
Smt. Padma Devi Jain Vs. Smt. Anita Jain

16.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri S.N. Kumawat for petitioner.
Shri G.P. Sharma for respondent.

Heard learned counsel for the parties.

The petitioner who is defendant in the Civil Court challenged the order dated 21.3.2007 by which his application for cross examination of PW-1 Anita Jain who is plaintiff, has been closed. The learned Court rejected the application holding that earlier also such opportunity was given to the petitioner on four occasions, but he failed to cross

examine that evidence and therefore, directed the evidence of the defendant to be recorded. The matter is still at the stage of evidence of the defendant.

In the facts of the case and particularly in view of the fact that suit is one of recovery from the defendant by the plaintiff, cross examination of the plaintiff would be necessary. In the interest of justice, therefore, I deem it appropriate to grant one last opportunity to the petitioner for cross examination of the plaintiff Anita Jain on the next date which is also fixed on 18.5.2007 in the trial court subject to petitioner making payment of a sum of Rs.1,000/- to the respondent / her counsel on that day before the trial court. It is further clarified that the

direction to cross examine the plaintiff should not be taken as postponement of the legal proceedings of the case in regard to the recording of evidence of other defendants.

The writ petition is accordingly disposed of with no order as to costs.

(Mohammad Rafiq),J.

Rs/-